IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Review/Modification Application No. 1011 of 2001

Indian Drugs and Pharmaceuticals Ltd.,
Corporate Office Dundehera Industrial
Complex, Gurgaon, Haryana through
Its Chairman and 3 other respondents
... Applicant/Respondents

IN

Writ Petition No.226 of 2001(S/B)
(Old No. 5741/1999)

Shri M.S. Saxena ... Petitioner

Versus

1. Indian Drugs and Pharmaceuticals Ltd., Corporate Office Dundehera Industrial Complex, Gurgaon, Haryana through its Chariman
2. Chairman & Managing Director, Indian Drugs and Pharmaceuticals Ltd., Corporate Office, Dundehera Indusrial Compex, Gurgaon
3. Indian Drugs & Pharmaceuticals Ltd., Virbhadra (Rishikesh), District Dehradun, through its General Manager
4. General Manager, Indian Drugs & Pharmaceuticals Ltd., Virbhadra (Rishikesh), Distt. Dehradun

..... Respondents

Shri Lalit Belwal, learned counsel for the applicants/respondents
Ms. Seema Sirohi, learned counsel for the appellant.

Coram: Hon. P.C. Verma, J.
Hon. B.S. Verma, J.

Dated: May 09, 2005

By means of the judgment dated 17.04.2001, this Court directed the review petitioners/respondents to pay a lump sum amount of Rs.3.00 lacs (Rupees three lacs only) to the petitioner-Shri M.S. Saxena. The said amount was mentioned in the judgment, as the amount was not disputed by the counsel for the review petitioner.

This review petition has been filed against the said judgment on the ground that the learned counsel for the review petitioner disputed the said amount of Rs.3.00 lacs and the figure of Rs.3.00 lacs was given by the counsel for the petitioner.

Both the parties have filed details of the amount claimed and amount payable. The amount claimed is Rs.2,79,156/- (Rupees two lac seventy nine thousand one hundred fifty six only) while according to the review petitioner, the amount liable to be paid is Rs.1,86,141/- (Rupees one lac eighty six thousand one hundred forty one only). Admittedly, an amount of Rs.2,23,000/- have been paid to the petitioner-Shri M.S. Saxena. Learned counsel for the petitioner insisted that if the interest is paid, the grievance of the petitioner stands satisfied.

No doubt, that delay in payment is occurred due to lapse on the part of the review petitioner i.e. respondent in the writ petition. Therefore, the petitioner-Shri M.S. Saxena is entitled for payment of interest, as he is not responsible for delay in payment. Therefore, we feel that if the interest @10% is paid on leave encashment excluding the amount of gratuity that has already been paid, the ends of justice would be met.

The review petition is disposed of with the direction that the petitioner shall be paid 10%

interest by the review petitioner on leave encashment amount only.

The review petition is disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang